

1 CASE No. 27CV-OTH-2019-0046

2 Pursuant to NRS 239.030, the undersigned affirms
3 that this document does not contain social security numbers

Electronically Filed
Mar 08 2021 09:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

4
5
6
7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

NOTICE OF APPEAL

11 -VS-

12 Barbara K. Cegavaskie, et al

13 Defendant.

14
15 COMES Now Justin Odell Langford, Plaintiff, In Proper, To File his Notice

16 of appeal. Plaintiff is appealing the Order granting Defendant's

17 Motion To Dismiss entered on Feb. 16, 2021 by Judge Jim Shirley,

18 Based on the Facts he didn't consider my motion for summary

19 Judgement and he considered the Defendants motion to Dismiss

20 even though it was Filed out side the law/deadline set by the

21 Court. Plaintiff is also challenging the order based on Judicial

22 Biasness.

23 DATE: Feb. 28th, 2021

24 RespectFully Submitted

24 /s/ Justin Odell Langford

26 Justin Odell Langford, #1159546

27 LCC, 1200 Prison Rd.

28 Lovelock, Nev. 89419

(1)

1 Case No. 27CV-OTH-2019-0046

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*
3 *Document does not contain social security numbers.*

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6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING
8

9 Justin Odell Langford,

10 Plaintiff,

11 vs.

12 Barbara K. Cegavaske, et al.,

13 Defendant.
14

15 **CASE APPEAL STATEMENT**

16 1. Name of appellant filing this case appeal statement:

17 Justin Odell Langford

18 2. Identify the judge issuing the decision, judgment or order appealed from:

19 Honorable Jim C. Shirley

20 3. Identify each appellant and the name and address of counsel for each
21 appellant:

22 Justin Odell Langford #1159546

23 Pro Per
1200 Prison Road
24 Lovelock Correctional Center
Lovelock, NV. 89419

- 1
- 2
- 3
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

4

Barbara K. Cegavaske

5

Office of the Attorney General
100 North Carson Street
6 Carson City, NV. 89701-4717

- 7
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
- 8
- 9

10

N/A

- 11
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

12

No, Pro Per

- 13
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
- 14

15

No

- 16
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

17

An Order to Proceed in Forma Pauperis was filed on 04/02/19.

- 18
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):
- 19

20

A Civil Rights Complaint Pursuant to 42 U.S.C §1983 was filed on 04/02/19.

- 21
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:
- 22

23

Petitioner filed a Civil Rights Complaint Pursuant to 42 U.S.C §1983 on 04/02/19. An Order Granting Defendant's Motion to Dismiss was filed on

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02/16/21. A Notice of Appeal was filed on 03/04/21, which resulted in this instant appeal.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

This case has not previously been appealed to the Supreme Court.

12. Indicate whether this appeal involves child custody or visitation: No

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: No, an Order Granting Defendant's Motion to Dismiss was filed.

Dated this 5th day of March 2021.

/s/ Carol Elerick
Carol Elerick
Senior Court Clerk
P.O. Box H
Lovelock, NV. 89419
(775) 273-2410

Case Snapshot: Fri Mar 05 11:19:44 PST 2021

Case Number: 27CV-OTH-2019-0046

Case Name: JUSTIN ODELL LANGFORD -VS- BARBARA K. CEGAVASKE

Date Filed: 04-01-2019

Disposition: Closed

Parties:

PL: JUSTIN ODELL LANGFORD

Address: 1200 PRISON ROAD LCC, LOVELOCK NV 89419

DF: BARBARA K CEGAVSKE

Atty: Douglas Rands

NEVADA ATTORNEY GENERAL'S OFFICE

J: Hon. Jim Shirley

Hearings:

10-02-2020 09:45 AM Motion Hearing

Status: Held

Dockets:

03-05-2021 Case Appeal Statement

03-05-2021 56.1 Case Appeal Statement

03-04-2021 Notice of Appeal

03-04-2021 55.1 Notice of Appeal

02-23-2021 Notice of Entry - Order Granting Defendant's Motion to Dismiss

02-23-2021 54.1 Notice of Entry - Order Granting Defendant's Motion to Dismiss

02-16-2021 Order Granting Defendant's Motion to Dismiss

02-16-2021 53.1 Order Granting Defendant's Motion to Dismiss

01-22-2021 Request for Submission

01-22-2021 52.1 Request for Submission

01-15-2021 Request for Submission

01-15-2021 51.1 Request for Submission

01-15-2021 Request for Submission

01-15-2021 50.1 Request for Submission

01-11-2021 Response Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment
 01-11-2021 49.1 Response Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment

01-06-2021 Request for Submission Re: Reply to Plaintiff's Opposition on Defendants Motion to Dismiss
 01-06-2021 48.1 Request for Submission Re: Reply to Plaintiff's Opposition on Defendants Motion to Dismiss

01-06-2021 Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss
 01-06-2021 47.1 Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss

12-31-2020 Plaintiff's Response to Defendant's Motion to dismiss and Request to Have Defendants Motion to Dismiss Stricken
 12-31-2020 45.1 Plaintiff's Response to Defendant's Motion to dismiss and Request to Have Defendants Motion to Dismiss Stricken

12-17-2020 Other Filing Defendant's Opposition to Plaintiff's Motion for Summary Judgment
 12-17-2020 43.1 Other Filing Defendant's Opposition to Plaintiff's Motion for Summary Judgment
 12-17-2020 43.1.1 Exhibit 1

12-16-2020 Motion to Dismiss
 12-16-2020 41.1 Motion to Dismiss

12-10-2020 Motion for Summary Judgment Pursuant to Fed.R.Civ.P.56
 12-10-2020 40.1 Motion for Summary Judgment Pursuant to Fed.R.Civ.P.56

10-22-2020 Other Filing "First Amended" Civil Rights Complaint Pursuant to 42U.S.C. 1983 & Tort Pursuant to NRS Chap. 41
 10-22-2020 38.1 Other Filing "First Amended" Civil Rights Complaint Pursuant to 42U.S.C. 1983 & Tort Pursuant to NRS Chap. 41

09-16-2020 Notice of Entry of Order
 09-16-2020 34.1 Notice of Entry of Order

09-04-2020 Order SETTING HEARING AND TO PRODUCE PRISONER
 09-04-2020 33.1 Order SETTING HEARING AND TO PRODUCE PRISONER

09-03-2020 Motion for Order to Produce Prisoner
 09-03-2020 31.1 Motion for Order to Produce Prisoner

07-16-2020 Motion for Requesting Status check of Case and Copy of Court Docket Sheet
 07-16-2020 28.1 Motion for Requesting Status check of Case and Copy of Court Docket Sheet

07-08-2020Request for Submission

07-08-2020 26.1 Request for Submission

07-08-2020Affidavit in Support of Default

07-08-2020 25.1 Affidavit in Support of Default

07-08-2020Application in Support of Default Judgment

07-08-2020 24.1 Application in Support of Default Judgment

07-08-2020Notice of Intent to Default

07-08-2020 23.1 Notice of Intent to Default

04-15-2020Request for Submission

04-15-2020 21.1 Request for Submission

04-06-2020Response Plaintiff's Response to Defendants Response to Plaintiffs Motion to Amend Pursuant to Fed.R.Civ.P.15

04-06-2020 20.1 Response Plaintiff's Response to Defendants Response to Plaintiffs Motion to Amend Pursuant to Fed.R.Civ.P.15

03-19-2020Opposition to Plaintiff's Motion to Amend Pursuant to Fed. R. Civ. P. 15

03-19-2020 19.1 Opposition to Plaintiff's Motion to Amend Pursuant to Fed. R. Civ. P. 15

03-18-2020Request for Submission

03-18-2020 18.1 Request for Submission

03-10-2020Declaration Douglas R. Rands

03-10-2020 17.1 Declaration Douglas R. Rands

03-10-2020Opposition to Plaintiff's Motion to Strike Defendant's Reply in Support of Defendant's Motion to Dismiss, and for Sanctions

03-10-2020 16.1 Opposition to Plaintiff's Motion to Strike Defendant's Reply in Support of Defendant's Motion to Dismiss, and for Sanctions

03-05-2020Request for Submission

03-05-2020 15.1 Request for Submission

03-05-2020Motion to Amend Pursuant to Fed. R. Civ. P. 15

03-05-2020 14.1 Motion to Amend Pursuant to Fed. R. Civ. P. 15

02-24-2020Motion for Requesting Status Check of Case and Copy of Court Docket Sheet

02-24-2020 13.1 Motion for Requesting Status Check of Case and Copy of Court Docket Sheet

12-18-2019Motion to Strike Defendant's Reply in Support of Defendant's Motion to Dismiss for Fraud Upon the Court and Request for Sanctions to be Imposed

12-18-2019 12.1 Motion to Strike Defendant's Reply in Support of Defendant's Motion to Dismiss for Fraud Upon the Court and Request for Sanctions to be Imposed

11-04-2019 Request for Judicial Action
11-04-2019 11.1 Request for Judicial Action

08-14-2019 Notice of Substitution of Counsel Notice of Change of Deputy Attorney General
08-14-2019 10.1 Notice of Substitution of Counsel Notice of Change of Deputy Attorney General

07-24-2019 Request for Submission Request for Submission of Defendant's Motion to Dismiss
07-24-2019 9.1 Request for Submission Request for Submission of Defendant's Motion to Dismiss

07-12-2019 Reply In Support of Defendant's Motion to Dismiss
07-12-2019 8.1 Reply In Support of Defendant's Motion to Dismiss
07-12-2019 8.1.1 Exhibit A

06-19-2019 Motion to Dismiss Defendants' Motion to Dismiss
06-19-2019 7.1 Motion to Dismiss Defendants' Motion to Dismiss

06-05-2019 Other Filing Default
06-05-2019 6.1 Other Filing Default

05-24-2019 Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56
05-24-2019 5.1 Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56
05-24-2019 5.1.1 Exhibit 1
05-24-2019 5.1.2 Exhibit 2
05-24-2019 5.1.3 Exhibit 3
05-24-2019 5.1.4 Exhibit 4
05-24-2019 5.1.5 Exhibit 5
05-24-2019 5.1.6 Exhibit 6

04-02-2019 Complaint - General Civil Rights Complaint Pursuant to 42 U.S.C 1983
04-02-2019 4.1 Complaint - General Civil Rights Complaint Pursuant to 42 U.S.C 1983
04-02-2019 4.1.1 Exhibit 1-4

04-02-2019 Order To Proceed In Forma Pauperis
04-02-2019 3.1 Order To Proceed In Forma Pauperis

04-01-2019 Certificate of Inmate's Institutional Account
04-01-2019 2.1 Certificate of Inmate's Institutional Account

04-01-2019 Application to Waive Fees & Costs Application to Proceed In Forma Pauperis
04-01-2019 1.1 Application to Waive Fees & Costs Application to Proceed In Forma Pauperis

1 CASE NO. 27CV-OTH-2019-0046

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.030

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS**

14 The Court has before it Defendant's, Barbara K. Cegavaske (Secretary Cegavaske), Motion to
15 Dismiss Plaintiff's Complaint. For reasons set forth below, the Court will grant Secretary Cegavaske's
16 motion.

17 Justin Odell Langford (Langford) is an inmate currently incarcerated within the Nevada
18 Department of Corrections (NDOC) at Lovelock Correctional Center (LCC). On or about April 2, 2019,
19 Langford submitted his Complaint in this Court, alleging "violation of [Secretary of State Cegavske's] oath
20 of office . . . for the records of office not in her possession." *See* Compl. at 3. His First Amended
21 Complaint is similar. *See* First Amended Complaint at 2.

22 Langford alleges Secretary of State Cegavske is the "constitutional record keeper" for the State of
23 Nevada. *See id.* at 4. The Nevada Constitution has a procedure for amendment, but that procedure has not
24 been followed. *See id.* Secretary of State Cegavske "has no copies of the senate bills that have been
25 passed since the creation of the State, [she] tells you to contact the Legislative Counsel Bureau for the
26 requested records." *See id.* Langford alleges he tried "to obtain a copy of Senate Bill No. 2 (1957)[,]" but
27 Secretary of State Cegavske's office sent him a letter explaining that he should contact the Legislative
28 Counsel Bureau. *See id.*; *see also id.* at 16.

1 Langford requests relief in the form of “punitive damages in total of \$1,750,000[.]” and injunctive
2 relief ordering Secretary of Cegavske to “come in compliance with her oath of office,” *See id.* at 8.

3 Secretary Cegavaske filed a Motion to Dismiss, alleging Langford lacks standing, has not properly
4 served the complaint and has failed to state a claim, upon which relief can be granted. Langford filed an
5 opposition to the motion, and Secretary Cevavaske replied. The Motion is properly before the Court.

6 A pleading is subject to certain rules; primary among them is that a plaintiff’s complaint must
7 adhere to NRCP 8(a). NRCP 8(a) provides:

8 A pleading which sets forth a claim for relief [. . .] shall contain (1) a short
9 and plain statement of the claim showing that the pleader is entitled to relief;
10 and (2) a demand for judgment for the relief the pleader seeks. Relief in the
alternative or of several different types may be demanded.

11 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of the
12 complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) (“[T]he pleading of [a]
13 conclusion, either of law or fact, is sufficient so long as the pleading gives fair notice of the nature and
14 basis of the claim.”).

15 “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction
16 of the subject matter, the court *shall* dismiss the action.” NRCP 12(h)(3) (emphasis added). *Cf.* NRCP
17 12(b)(1) (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); *Mainor v.*
18 *Nault*, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469,
19 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any time during the
20 proceedings and is not waivable.”).

21 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any pleading for “failure
22 to state a claim upon which relief can be granted[.]” In reviewing such a motion, “[a]ll factual allegations
23 of the complaint must be accepted as true.” *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967
24 (1997). “A complaint will not be dismissed for failure to state a claim unless it appears beyond a doubt
25 that plaintiff could prove no set of facts which, if accepted by the trier of fact, would entitle him or her to
26 relief.” *Id.* In this matter, it appears, beyond a doubt, Langford cannot prove any facts that would entitle
27 him to relief.

28 ///

1 A justiciable issue is one that must be capable of or ripe for a judicial determination. *See Doe v.*
2 *Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal citation omitted). If a court has no power
3 to grant relief, or the party seeking relief has no legal right to such relief, any ruling on the issue
4 becomes legally void as an advisory opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–
5 70, 679 P.2d 1273, 1274–75 (1984) (internal citations omitted).

6 Nevada courts require litigated matters to present “an existing controversy, not merely the
7 prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444. The “irreducible
8 constitutional minimum” of standing is an “injury in fact” that is not merely conjectural or hypothetical,
9 and which must be “likely” as opposed to merely speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936
10 n.4, 921 P.2d 882, 885 n.4 (1996) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

11 In this case, Langford fails to allege any injury he suffered as a result of not being provided
12 records. *See First Amended Compl.* at 3–4. Langford asserts “a violation of a criminal defendant[']s
13 due process rights[,]” but fails to explain how his specific rights were violated or how he was injured.
14 *See id.* at 3. Langford’s allegations of injury are non-existent, let alone conjectural or hypothetical. He
15 argues the Secretary is not doing her job, but fails to allege or show personal injury. *See Miller*, 112
16 Nev. at 936 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than conjectural or hypothetical to
17 maintain standing). Therefore, Langford is not entitled to proceed with this matter.

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a
19 plaintiff must “set forth sufficient facts to demonstrate the necessary elements of a claim for relief so
20 that the defending party has adequate notice of the nature of the claim and relief sought.” *Western*
21 *States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

22 Here, Langford alleges Secretary of State Cegavske failed to maintain or produce “copies of
23 senate bills that have been passed since the creation of the State,” which he asserts is “in violation of
24 her oath of office[.]” *See First Amended Compl.* at 3–4. However, none of Langford’s citations to the
25 Nevada Constitution provide a private right of action that would allow him to sustain a cognizable
26 claim. *See id.* The Nevada Constitution provides that the Secretary of State “shall keep a true record of
27 the Official Acts of the Legislative and Executive Departments of the Government,” but does not create
28 any claim for a private citizen to sue upon. *See NEV. CONST.* art. V, § 20. The Nevada Supreme Court

1 has held that a private right of action must be based upon clear statutory (or constitutional) language, in
2 the absence of any known legislative intent. *See Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499,
3 502–03 (Nev. 2017) (internal citation omitted).

4 Langford’s additional citations are likewise vague and unavailing, and he fails to set forth the
5 basic facts necessary to sustain any known claim for relief. *See* Compl. at 4. Langford did not provide a
6 private right of action to sue Secretary Cegavaske in his opposition to the Motion to Dismiss. He
7 argues that he is making his claims under the authority of 42 U.S.C. Section 1983. However, his claim
8 is based upon his allegations that Secretary Cegavaske violated her oath of office by failing to maintain
9 copies of various legislative bills. There is no private right of action to make such claims. Therefore,
10 Langford’s Amended Complaint must be dismissed.

11 Based on the above, it is:

12 HEREBY ORDERED, ADJUDGED AND DECREED that Defendant’s Motion to Dismiss
13 Plaintiff’s Amended Complaint is GRANTED.

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24 Submitted by:
25 AARON D. FORD
26 Attorney General
27 DOUGLAS R. RANDS, Bar No. 3572
28 Senior Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1150
drands@ag.nv.gov

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: JUSTIN ODELL LANGFORD -VS- BARBARA K. CEGAVSKE
Case Number: 27CV-OTH-2019-0046
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "J. Shirley".

Judge Shirley

1 CASE NO. 27CV-OTH-2019-0046

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8 IN AND FOR THE COUNTY OF PERSHING

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10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendant.
14

NOTICE OF ENTRY
OF ORDER

15 PLEASE TAKE NOTICE that the Court entered the ORDER GRANTING
16 DEFENDANT'S MOTION TO DISMISS, on February 16, 2021, a true and correct copy
17 of which is attached to this notice.

18 If this is a final order and if you wish to appeal to the Nevada Supreme Court, you
19 must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this
20 notice is mailed/electronically served to you.

21 DATED this 23 day of February 2021.
22

23 KATRENA M. MARTIN
24 CLERK OF THE COURT

25 By *Adriana Ramos*
26 Deputy
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DATED this 23 day of February 2021.

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20 that the defending party has adequate notice of the nature of the claim and relief sought.” *Western*
21 *States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

22 Here, Langford alleges Secretary of State Cegavske failed to maintain or produce “copies of
23 senate bills that have been passed since the creation of the State,” which he asserts is “in violation of
24 her oath of office[.]” *See First Amended Compl.* at 3–4. However, none of Langford’s citations to the
25 Nevada Constitution provide a private right of action that would allow him to sustain a cognizable
26 claim. *See id.* The Nevada Constitution provides that the Secretary of State “shall keep a true record of
27 the Official Acts of the Legislative and Executive Departments of the Government,” but does not create
28 any claim for a private citizen to sue upon. *See NEV. CONST.* art. V, § 20. The Nevada Supreme Court

1 has held that a private right of action must be based upon clear statutory (or constitutional) language, in
2 the absence of any known legislative intent. *See Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499,
3 502–03 (Nev. 2017) (internal citation omitted).

4 Langford's additional citations are likewise vague and unavailing, and he fails to set forth the
5 basic facts necessary to sustain any known claim for relief. *See* Compl. at 4. Langford did not provide a
6 private right of action to sue Secretary Cegavaske in his opposition to the Motion to Dismiss. He
7 argues that he is making his claims under the authority of 42 U.S.C. Section 1983. However, his claim
8 is based upon his allegations that Secretary Cegavaske violated her oath of office by failing to maintain
9 copies of various legislative bills. There is no private right of action to make such claims. Therefore,
10 Langford's Amended Complaint must be dismissed.

11 Based on the above, it is:

12 **HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant's Motion to Dismiss
13 Plaintiff's Amended Complaint is **GRANTED**.

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24 Submitted by:
25 AARON D. FORD
26 Attorney General
27 DOUGLAS R. RANDS, Bar No. 3572
28 Senior Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1150
drands@ag.nv.gov

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: JUSTIN ODELL LANGFORD -VS- BARBARA K. CEGAVSKE
Case Number: 27CV-OTH-2019-0046
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

1 COURT MINUTES. NOT AN OFFICIAL TRANSCRIPT OF ANY PROCEEDING.

2 * * * *

3 This document does not contain any
4 social security numbers.

5 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF**
6 **NEVADA, IN AND FOR THE COUNTY OF PERSHING**

7 Justin Odell Langford

8 Plaintiff/Petitioner,

9 vs.

: **Case No. 27CV-OTH-2020-0057**
: **And 27CV-OTH-2019-0046**

: **WEDNESDAY, October 02, 2020**

10 C/O Smith; Renee Baker; CaseWorker
11 Lefleur; C. Potter; P Delporto; J.
12 Borrowman; D. Baze; T. Carpenter. /

: **10:21 a.m.**

13 And

14 Barbara K. Cegavske

15 Defendant/Respondent.

16 PRESENT: Honorable Jim C. Shirley, presiding District Judge
17 Candice Boyce, Court Clerk

18 **Case Management Conference:**

19 Plaintiff, Justin Odell Langford, appearing telephonically and representing himself.

20 Douglas Rands, Senior Deputy Attorney General, appearing telephonically on behalf of
21 the Defendants. And Andrea M. Dominguez.

22 All parties give 2 party consent to the hearing being telephonic and to being reported.

23 The Court stated that we will cover both cases and will start with case ending in 0046.
24 The Court canvassed Mr. Langford regarding service of a Motion and Mr. Langford admitted
25 that he did not attach a certificate of service.

26 The Court addressed an issue with a Default from 2019 and had discussion with Mr.
27 Rands and Mr. Langford.

28 The Court addressed the Motion to Amend.

Mr. Langford gave argument.

The Court canvassed Mr. Langford regarding his argument.

Mr. Rands gave argument.

The Court Grants the Motion and stated that Mr. Langford has 20 days to file an
Amended Complaint. Once the Motion is sent Mr. Rands has 14 days to respond.

1 The Court now moves onto case ending in 0057

2 The Court canvassed Mr. Langford regarding his certificate of service and his amended
3 application for default. The Court and Mr. Langford have discussion regarding the issues with
4 these documents.

5 Mrs. Dominguez gave argument.

6 The Court stated that the default is moot and the prior default be stricken from the record
7 so it doesn't hold any weight or validity.

8 The Court asked the parties how long they need for discovery and both parties agree they
9 need 90 days.

10 The Court ordered 90 days to complete discovery and 30 days to file dispositive motions
11 and oppositions due 30 days after that and any replies due within 14 days after.

12 The Court confirmed with Mr. Langford that he withdrew the Amended and we are going
13 off the original and Mr. Langford confirmed.

14 Court is in recess 10:58 a.m.

Case No. 27CV-OTH-2019-0046

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

Justin Odell Langford,

Plaintiff,

vs.

Barbara K. Cegavaske, et al.,

Defendant.

CERTIFICATE

State of Nevada)
 : ss.
County of Pershing)

I, Carol Elerick, Deputy Court Clerk, do hereby certify that the following are true and correct copies of the original documents in the above-entitled case, which was appealed to the Supreme Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 5th day of March 2021.

Kate Martin
Eleventh Judicial District Court Clerk

By: 

Deputy Clerk

ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley
District Judge



Judge's Chambers
P.O. Box H
Lovelock, NV 89419
Tel. (775) 273-2105
Fax: (775) 273-4921

March 5, 2021

Elizabeth Brown
Supreme Court Clerk
201 South Carson Street
Carson City, NV 89701-4702

Re: Eleventh Judicial District – Pershing County
Case No. 27CV-OTH-2019-0046
Justin Odell Langford vs. Barbara K. Cegavaske, et al.

Enclosed, please find the following documents as it relates to an Appeal filed on

March 4, 2021:

- Certification
- Exhibit List (if applicable)
- Minutes (if applicable)
- Notice of Entry of Order (with Order)
- Judgment / Order
- District Court Docket
- Case Appeal Statement
- Notice of Appeal

Should you have any questions or require additional information, please do not
hesitate to contact the Court.

Kate Martin
Eleventh Judicial District Court Clerk

By: 
Deputy Clerk

ce
Encl.

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